

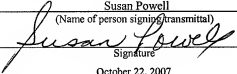
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masahiko Sato, et al.
Serial No. : 10/047,502
For : INFORMATION RECORDING APPARATUS AND FEE
CHARGING METHOD THEREOF
Filed : November 13, 2001
Examiner : Shang, Annan Q.
Art Unit : 2623
Confirmation No. : 3958

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Susan Powell
(Name of person signing transmittal)

Signature
October 22, 2007
Date of Signature

**AMENDMENT ACCOMPANYING THE FILING OF A
REQUEST FOR CONTINUED EXAMINATION 37 CFR 1.114**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In further response to the Final Office Action dated April 20, 2007, this
amendment is being filed concurrently with Applicants' Request for Continued Examination of
the above-identified application. Electronic payment for extending the term for response is being
made herewith.

Listing of the Claims begins on page 3 of this paper.

Remarks/Arguments begin on page 12 of this paper.

LISTING OF THE CLAIMS

1. (Currently Amended) An information recording apparatus comprising:

information recording means for recording information in a first recording medium;

operating means for operating unloading of said first recording medium including said information recorded by said information recording means;

unloading means for unloading said first recording medium based on operation of said operation means;

fee charging means for charging a fee when said first recording medium is unloaded by said unloading means; ~~and~~

selecting means for selecting quality of said information to be stored in said first recording medium by said information recording means;

wherein said fee charging means varies the amount of fee that is charged ~~charge~~ according to the quality selected by said selecting means and dubbing information stored in said first recording medium, and

wherein said dubbing information comprises status information transmitted for conversion prior to said unloading; and

charge information means for storing in a memory the varied amount of fees that are charged and for reproducing and transmitting, subsequent to said unloading, the amount of fee that is charged for the information that is unloaded.

2. (Original) The information recording apparatus according to claim 1 further comprising information receiving means for receiving transmitted information;

wherein said information recording means records information received by said information receiving means into said first recording medium.

3. (Canceled)

4. (Original) The information recording apparatus according to claim 1 further comprising information reproducing means for reproducing information from a second recording medium; wherein

said information recording means records information reproduced by said information reproducing means into said first recording medium.

5. (Original) The information recording apparatus according to claim 1 further comprising notifying means for notifying charging of fee when unloading operation is performed through said operating means.

6. (Canceled)

7. (Previously Presented) The information recording apparatus according to claim 1, wherein the quality of said information is based on image quality.

8. (Previously Presented) The information recording apparatus according to claim 1, wherein the quality of said information is based on a broadcasting system.

9. (Previously Presented) The information recording apparatus according to claim 1, wherein the quality of said information is based on a number of languages.

10. (Previously Presented) The information recording apparatus according to claim 1, wherein the quality of said information is based on an audio format.

11. (Previously Presented) The information recording apparatus according to claim 1, wherein the quality of said information is based on a region code.

12. (Original) The information recording apparatus according to claim 1 further comprising first selection means for selecting recording of a commercial message along with said information, in said first recording medium; wherein
said fee charging means reduces the amount of charge when recording of said commercial message is selected by said first selection means.

13. (Original) The information recording apparatus according to claim 12 further comprising a second selection means for selecting size of said commercial message to be recorded in said first recording medium; wherein
said fee charging means changes the amount of reduction of charge according to the size of said commercial message selected by said second selection means.

14. (Original) The information recording apparatus according to claim 1, wherein said fee charging means changes the amount of charge according to type of said first recording medium.

15. (Currently Amended) A charging method for charging a fee related to recording information in a first recording medium and unloading said first recording medium based on an unloading operation, the fee charging method comprising the steps of:

charging when unloading of said first recording medium is performed; and

selecting a quality of said information to be recorded in said first recording medium,

wherein an amount of ~~charge~~ fee that is charged is varied according to said quality of said information recorded in said first recording medium and dubbing information stored in said first recording medium, and

wherein said dubbing information comprises status information transmitted for conversion prior to said unloading;

storing in a memory the varied amount of fess that are charged; and

reproducing and transmitting, subsequent to unloading, the amount of fee that is charged for performing unloading.

16. (Original) The fee charging method according to claim 15, wherein information to be recorded in said first recording medium comprises transmitted information.

17. (Original) The fee charging method according to claim 15, wherein information to be recorded in said first recording medium comprises information stored in an information storage.

18. (Original) The fee charging method according to claim 15, wherein information to be recorded in said first recording medium comprises information reproduced by a second recording medium.

19-20. (Canceled)

21. (Previously Presented) The fee charging method according to claim 15, wherein quality of said information is based on quality of image.

22. (Previously Presented) The fee charging method according to claim 15, wherein quality of said information is based on broadcasting system.

23. (Previously Presented) The fee charging method according to claim 15, wherein quality of said information is based on number of languages.

24. (Previously Presented) The fee charging method according to claim 15, wherein quality of said information is based on audio format.

25. (Previously Presented) The fee charging method according to claim 15, wherein quality of said information is based on region code.

26. (Original) The fee charging method according to claim 15, further comprising the step of optionally selecting recording a commercial message together with said information to be recorded in said first recording medium; wherein

an amount of said fee is reduced when said commercial message is recorded together with said information to be recorded in said first recording medium.

27. (Original) The fee charging method according to claim 26, further comprising the step of optionally selecting size of said commercial message to be recorded in said first recording medium; wherein

an amount of reduction of fee is changed according to the size of said commercial message recorded in said first recording medium.

28. (Original) The fee charging method according to claim 15, further comprising the step of changing an amount of charge according to a type of said first recording medium.

29. (Currently Amended) An information recording apparatus comprising:
information storage means for storing information in an information storage;
information recording means for recording in a first recording medium
information stored in said information storage through said information storage means;

operating means for performing unloading operation of said first recording medium having said information recorded by said information recording means;

unloading means for unloading said first recording medium based on operation of said operating means;

fee charging means for performing:

a first charging when said information is stored in said information storage means through said information storage means; and

a second charging when unloading information from said first recording medium through said unloading means; and

selecting means for selecting quality of said information to be stored in said first recording medium by said information recording means;

wherein said fee charging means varies the amount of charge according to the quality selected by said selecting means and dubbing information stored in said first recording medium, and

wherein said dubbing information comprises status information transmitted for conversion prior to said unloading; and

charge information means for storing in a memory the varied amount of charges and for reproducing and transmitting, subsequent to said unloading, the amount of fee that is charged for the information that is unloaded.

30. (Original) The information recording apparatus according to claim 29, further comprising information receiving means for receiving transmitted information; wherein said information storage means stores information received by said information receiving means in said information storage means.

31. (Original) The information recording apparatus according to claim 29, further comprising information reproducing means for reproducing information from a second recording medium; wherein said information storage means stores in said information storage means information reproduced by said information reproducing means.

32. (Canceled)

33. (Previously Presented) A charging method for charging a fee related to an information recording apparatus storing information in an information storage, recording said information stored in said information storage into a first recording medium and unloading said first recording medium based on an unloading operation, the charging method comprising the steps of:

performing first charging when said information is stored in said information storage, and second charging when said first recording medium is unloaded;

selecting quality of said information to be recorded in said first recording medium;

varying the amount of change according to said quality of said information recorded in said first recording medium and dubbing information stored in said first recording medium; and

transmitting said dubbing information for conversion prior to said unloading;
storing in a memory the varied amount of charges; and
reproducing and transmitting, subsequent to said unloading, the amount of fee that is charged for unloading said first first recording medium.

34. (Original) The fee charging method according to claim 33, wherein information stored in said information storage is transmitted information.

35. (Original) The fee charging method according to claim 33, wherein information stored in said information storage is information reproduced through a second recording medium.

36. (Canceled).

37. (New) The information recording apparatus according to claim 1, wherein said charge information means stores a prepaid fee in said memory, said prepaid fee being reduced as said fee charging means charges said fee; and said fee charging means charges said fee until said prepaid fee is exhausted, whereupon said unloading means no longer unloads said first recording medium.

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 2, 4, 5, 7-18, 21-31, 33-35 and 37 are currently pending.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 2, 4, 5, 7-8, 10, 14-18, 21, 22, 24, and 28-31 and 33-35 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,619,247 to Russo (hereinafter, merely “Russo”) in view of U.S. Patent No. 6,157,377 to Shah-Nazaroff et al. (hereinafter, merely “Shah-Nazaroff”).

Claims 10 and 24 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and in further view of U.S. Patent No. 5,790,236 to Hershtik et al. (hereinafter, merely “Hershtik”).

Claims 12, 13, 26 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and further in view of U.S. Patent No. 6,588,015 to Eyer et al. (hereinafter, merely “Eyer”).

III. RESPONSE TO REJECTIONS

Claims 1, 15, 29 and 33 are amended to emphasize the feature that the varied amount of charge, dependent upon, for example, the quality of the information and/or the conduit through which the information is unloaded and/or the number of items that are

unloaded, is not made until after the information is unloaded. Consequently, the user can confirm that the unloaded information is the very information he ordered or that the unloaded information is free of errors. If the quality of the unloaded information is not acceptable, or if the unloaded information contains errors, or if the unloaded information is not what the user ordered, the user is not charged. Moreover, the user can change the unloading of information without being charged for, that is, without first purchasing, the information he does not want. This is particularly claimed in amended claim 1 (as well as amended claims 15, 29 and 33), by the recitation;

charge information means for storing in a memory the varied amount of fees that are charged and for reproducing and transmitting, subsequent to said unloading, the amount of fee that is charged for the information that is unloaded (emphasis added).

This feature is not suggested by the cited prior art. For example, Shah-Nazaroff describes a server that automatically correlates the purchase of a medium feature from a programming transmission source according to the user's selection of that feature. As soon as the selected medium feature is transmitted, the purchase is complete and the fee is charged. There is no delay to give the user an opportunity to confirm that he is satisfied with the information he received, prior to charging a fee for that information.

This deficiency of Shah-Nazaroff is not cured by any of the remaining references relied upon by the Examiner.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 15, 29 and 33 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 15, 29 and 33 are patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION


In view of the foregoing amendments and remarks, it is believed that all of the claims remaining in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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Request for Continued Examination (RCE) Transmittal


Address to:
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Application Number	10/047,502	Conf. No.: 3958
Filing Date	November 13, 2001	
First Named Inventor	Masahiko Sato	
Art Unit	2623	
Examiner Name	Annan Q. Shang	
Attorney Docket Number	450100-03617	

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

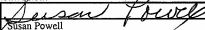
- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☐ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/ Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☐ Other _____
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0320. I have enclosed a duplicate copy of this sheet.
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 - ☒ Extension of time fee (37 CFR 1.136 and 1.17)
 - ☐ Other _____
 - ☐ Check in the amount of \$ _____ enclosed
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED		
Signature 	Date October 22, 2007	
Name (Print/Type) William S. Hammer	Registration No. 25,506	

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